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# Transcendental Arguments for a Categorical Imperative as Arguments from Agential Self-Understanding

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## Abstract

This chapter construes Kant's contention that a categorical imperative is a synthetic a priori principle as equivalent to Gewirth's claim that such an imperative is a dialectically necessary principle (a strict requirement of agential self-understanding). It is not concerned to defend either Kant's or Gewirth's argument for a categorical imperative, but to elucidate the "dialectically necessary method" (which rests on the dialectical necessity of a principle making it categorically binding) and to defend this method against David Enoch's critique of "constitutivism" (taken as trying to show that transcendental arguments for morality, construed as dialectically necessary ones, are futile, even if they can be successful, because normativity cannot be constituted in dialectical necessity). In the process, it relates the dialectically necessary method to internalism, naturalism, foundationalism, coherentism, and realism.

## Introduction

According to Kant,<sup>1</sup> if "a categorical imperative exists, it must already be connected (completely a priori) with the concept of the will of a rational being as such" (GW 4:427) without being contained within this concept (GW 4:420). So, proving that it exists requires a "*synthetic use of pure practical reason*" (GW 4:445), making it a synthetic a priori principle (GW 4:440; C2 5:31; 5:46).

It is generally presumed that Kant's synthetic a priori propositions require transcendental arguments for their justification. It is, however, debatable what Kant thinks a transcendental argument for a practical principle is. A very popular view is that, in C2, Kant reverses (and retreats from) his GW claim that agents are bound by the moral law (a categorical imperative [CI] for human agents, who are affected by heteronomous incentives) because they necessarily presuppose that they have freewill (FW), by holding that the moral law is given to agents as the sole fact of pure reason, thus providing a different account of what makes it a synthetic a priori principle.<sup>2</sup> In my opinion, this is a mistake: Kant never abandons his GW view that a maxim M is constituted as a CI by its acceptance being a strict requirement of agential self-understanding (by the fact that a human agent, call her "Agnes", misunderstands what it is for her to be an agent, and denies implicitly that she is an agent, by denying that she unconditionally ought to comply with M). In Alan Gewirth's (1978) terms, the CI is justified by showing that M is dialectically necessary for Agnes.<sup>3</sup>

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<sup>1</sup> I refer to Kant's works on the basis of the Academy edition of the *Gesammelte Schriften* (Kant 1990sqq), stating volume and page number. Translations are those of the *Cambridge Edition of the Works of Immanuel Kant* (Kant 1995sqq). I use the abbreviation GW for *Groundwork of the Metaphysics of Morals*, C2 for *Critique of Practical Reason*, and C3 for *Critique of the Power of Judgment*.

<sup>2</sup> Seminally, Dieter Henrich (1960). Pauline Kleingeld (2002, p. 60–61) provides a brief overview of retreatist positions.

<sup>3</sup> E.g., Onora O'Neill (2002) and Pauline Kleingeld (2010) also think that Kant does not retreat from his GW position. O'Neill, however, thinks that Kant's appeal to the fact of reason in C2 offers no justification for the moral law, serving a different aim, which contrasts with my view that "the fact of reason" is just another way of stating his position in GW. Kleingeld's view is similar to mine on the issue of 'retreat' without using Gewirthian terminology, but is less expansive, and views the issue of 'reversal' differently.

I will offer reasons for this opinion; but my primary aims are to elucidate the dialectically necessary method (DNM), by outlining Gewirth's argument for his Principle of Generic Consistency (PGC),<sup>4</sup> and by construing Kant's reasoning for the CI in the guise of the Formula of Humanity (FoH)<sup>5</sup> and the Formula of Universal Law (FUL) in its terms;<sup>6</sup> and then to defend the DNM against David Enoch's (2006) critique of "constitutivism", which he attributes primarily to Christine Korsgaard<sup>7</sup> and David Velleman,<sup>8</sup> but also to Gewirth.

## The DNM<sup>9</sup>

### *The DNM's Rationale and Criteria*

The DNM presupposes that only agents—those able (because of their capacities for reason and understanding) to pursue means voluntarily for their chosen purposes and disposed to do so—are intelligibly addressors or addressees of practical precepts of any kind concerning the permissibility of their behaviour, and that simply by virtue of having capacities for reason and understanding, Agnes cannot evade the question of what, if anything, she may do/ought to do. Thus, the question necessarily arises for Agnes of the possibility of a CI (a maxim that reason requires her to comply with regardless of anything only contingently related to her), which is equivalent to the question of the possibility of purposes that reason requires Agnes to regard as ends in themselves.

In effect, the DNM construes Kant's assertion that a CI is connected completely a priori with the concept of the will of a rational being as such but not contained in it, as the view that a CI is a maxim M that is dialectically necessary for Agnes (A) to accept, an M of which it is true that  $\{AM\}_{(A)}$ .<sup>10</sup>

$\{AM\}_{(A)} \rightarrow$ <sup>11</sup> "Agnes categorically ought to comply with M" because  $\{AM\}_{(A)} \rightarrow$  "If Agnes denies that she ought to comply with M then she simultaneously implies that she is not an agent (by misunderstanding what it is for her to be an agent) and that she is an agent (because she presupposes that she is an agent in making *any* claim *about* what she may do/ought to do)". So, the only coherent attitude Agnes can have towards M is that she unconditionally ought to comply with it, and the DNM's criterion *for rationally permissible action* (CRA) is: "It is only rational for an agent to act in accord with a maxim if doing so complies with the agent's dialectically necessary commitments".

Correlatively, the DNM's criterion *to establish a CI* (CDNM) is: "Agnes must accept, and may only accept, her dialectically necessary commitments".

<sup>4</sup> The PGC requires Agnes to grant all agents positive and negative rights (GR) to generic conditions of agency (GCAs). A GCA is something Agnes needs to be able to even try to act (something the absence of which has a negative effect, either immediately or if prolonged, on her ability to act at all) or to have any general chances of success in achieving her purposes, *regardless of what her purposes are or might be*. GR are rights under the will-conception (meaning that Agnes can release other agents from their duties to her under her GR). Further specification is unnecessary here.

<sup>5</sup> "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (GW 4:429).

<sup>6</sup> "[A]ct only in accordance with that maxim through which you can at the same time will that it become a universal law" (GW 4:421).

<sup>7</sup> Specifically, claims made in Korsgaard (2002).

<sup>8</sup> E.g., Velleman (2004). I will not consider Korsgaard's and Velleman's positions.

<sup>9</sup> My elucidation of the DNM builds on Beyleveld (1991), which received Gewirth's endorsement (Gewirth 1991), and Beyleveld (2013) and Beyleveld (2016) in particular.

<sup>10</sup> "AM" = "Agnes ought to comply with M". Placing AM in face brackets signifies that AM is dialectically necessary, with the subscripted suffix (A) signifying that it is for Agnes that AM is dialectically necessary.

<sup>11</sup> " $\rightarrow$ " = "entails".

The DNM is conducted entirely within Agnes' first-person dialectically necessary viewpoint. This does not mean that Agnes may not refer to any other agent (say, Brian) or consider what he might think or do; merely that, in judging her dialectically necessary commitments, she may (and must) do so only if this is dialectically necessary for her.

### *The Gewirthian Argument for the PGC*

The PGC is dialectically necessary for Agnes, =  $\{PGC\}_{(A)}$ , if

- 1 The Principle of Hypothetical Imperatives (PHI), "If having X (or doing X) is necessary for Agnes to pursue or achieve E, then Agnes ought to act to secure having X (or do X) or give up pursuit of E", is dialectically necessary for Agnes, =  $\{PHI\}_{(A)}$ .
- 2 There are GCAs.
- 3 Dialectically necessary commitments are (i) distributively universal (i.e., "It is dialectically necessary for Agnes to hold that she ought to do or have X" =  $\{AoX\}_{(A)}$ ,  $\rightarrow$  "It is dialectically necessary for Brian to hold that he ought to do or have X" =  $\{BoX\}_{(B)}$ , which is uncontroversial; and (ii) collectively universal (i.e.,  $\{AoX\}_{(A)} \rightarrow \{BoX\}_{(A)}$ , which is highly contested.
- 1 coupled with 2  $\rightarrow$
- 4 "It is dialectically necessary for Agnes to hold that she ought to defend having the GCAs ( $AoA$ ), unless she is willing to accept generic damage to her ability to act ( $A$ )" =  $\{AoA^A\}_{(A)}$ .
- 4 coupled with 3  $\rightarrow$
- 5a (by distributive universalisation) "It is dialectically necessary for Brian to hold that he ought to defend having the GCAs, unless he is willing to accept generic damage to his ability to act" =  $\{BoB^B\}_{(B)}$  and
- 5b (by collective universalisation) "It is dialectically necessary for Agnes to consider that she ought to defend Brian's having the GCAs, unless he is willing to accept generic damage to his ability to act" =  $\{AoB^B\}_{(A)}$ ,  $\equiv$
- 6  $\{Brian \text{ has the GR}\}_{(A)} = \{BGR\}_{(A)}$ , which  $\rightarrow$
- 7  $\{AGR\}_{(A)}$ , because  $\{AoB^B \equiv BGR\}_{(A)} \rightarrow \{AoA^A \equiv AGR\}_{(A)}$ .
- 6 coupled with 7  $\rightarrow$
- 8  $\{PGC\}_{(A)}$ ,  $\rightarrow$
- 9  $\{PGC\}_{(A \& B)}$  (by distributive universalisation).

Gewirth's own argument for 3(ii), the "Argument from the Sufficiency of Agency" (Gewirth 1978, p. 110), is as follows: 7:  $\{AGR\}_{(A)} \rightarrow$  7a: "Agnes is an agent"  $\rightarrow$  "AGR" $\}_{(A)}$ . This is because, if Agnes denies "Agnes is an agent"  $\rightarrow$  "AGR", she holds "AGR"  $\rightarrow$  "Agnes has a property D that she does not necessarily possess as an agent", so holds that if she does not have D then she may not hold "AGR". But then she violates the CDN by holding something not permitted by 7. Ergo, she *must* deny that having D is

necessary for AGR, and so accept 7a. But  $7a \rightarrow 7b: \{“\text{Brian is an agent}” \rightarrow “\text{BGR}”\}_{(A)}$ . So,  $\{AGR\}_{(A)} \rightarrow \{BGR\}_{(A)}$ . Ergo, 3(ii):  $\{AoX\}_{(A)} \rightarrow \{BoX\}_{(A)}$ .<sup>12</sup>

Alternatively:

- i. Suppose  $\{AoX\}_{(A)}$ .
- ii. To comply with AoX, Agnes needs Brian not to interfere with, and when she is unable to do so by her own unaided efforts, to defend her compliance. So,
- iii.  $\{AoX\}_{(A)} \rightarrow \{\text{Brian ought to act in accord with AoX}\}_{(A)} = \{\text{BocAoX}\}_{(A)}$ .
- iv.  $\{AoX\}_{(A)} \rightarrow \{BoX\}_{(B)}$ . So  $\{\{BoX\}_{(B)}\}_{(A)}$ .
- v. By the CRA, iii is intelligible only if Brian can accept BocAoX without implying that he is not an agent  $\equiv$  only if BocAoX does not require him to act contrary to BoX. So,
- vi  $\{AoX\}_{(A)} \rightarrow \{“\text{BocAoX}” \text{ iff } “\text{BoX}”\}_{(A)}$ . Ergo,
- 3(ii)  $\{AoX\}_{(A)} \rightarrow \{BoX\}_{(A)}$ .

This has the advantage that nothing specific needs to be shown to be dialectically necessary to show that dialectically necessary commitments are collectively universal.<sup>13</sup>

So, in essence, the Gewirthian argument is: As an agent, Agnes is necessarily confronted with the idea of a CI. If she fully understands this idea (and it is dialectically necessary for her to do so), she will accept that there is a CI: “Agnes ought to act only in accord with a maxim that does not conflict with her dialectically necessary commitments”.

Then, given (3), the CI is: “All agents ought to act only in accord with a maxim that does not require action contrary to any agent’s dialectically necessary commitments”.

This is not empty. Given also that there are GCAs,  $\{PHI\}_{(A\&B)}$  renders it dialectically necessary for all agents to respect every agent’s need for the GCAs..

### ***Kant and the DNM***

That Kant holds the moral law to be dialectically necessary in *GW* is plausible. Given his view that FW and the moral law are reciprocal (*GW* 4:447; *C2* 5:29) and that the CI is the form in which the moral law appears to human agents (*GW* 4:454), his contention that agents necessarily suppose that they have FW (hence necessarily suppose that the moral law applies to them) as the only *idea* under which they can act (as the only condition under which they can understand themselves as acting) (*GW* 4:448) is readily construed in this way. This is supported by his view that a synthetic a priori proposition is one in which two cognitions are bound together by their connection with a third in which they are both to be found (*GW* 4:447), because he identifies this third cognition with the positive concept of freedom (*GW* 4:447), which is produced by agents recognising that they belong to the world of understanding (*GW* 4:452).

My view, that Kant never departs from holding that the moral law is dialectically necessary, is that to say that the moral law is given as the fact of reason (*C2* 5:31) is to say that the moral law is dialectically necessary.<sup>14</sup>

As I see it, Kant’s transcendental argument for the moral law, in both *GW* and *C2*, has two phases:

<sup>12</sup> This argument makes dialectical necessity the *ratio cognoscendi* of the moral law and agency the *ratio essendi* of the moral law.

<sup>13</sup> A third argument is presented in Beyleveld 2013, p. 218–219. I consider that all three arguments entail each other.

<sup>14</sup> If so, Pauline Kleingeld (2010, p. 65) is right that the fact of reason “is the *product* of reason’s own activity”.

- Ph 1: By virtue of being an agent, the question of the possibility of a CI/the moral law/pure reason being practical necessarily arises for Agnes. As such, she is necessarily presented with the reciprocal *concepts* of a CI/pure practical reason/the moral law (in consequence of which she is presented with the concept of FW).<sup>15</sup> However, if she understands these concepts, she must accept that there is a CI, “Comply with a CI!” and understanding the concept of a CI *also* requires her to accept that it takes the form of the FUL/FoH. Since she must have the concept of a CI in order to understand what it is to be an agent, it is dialectically necessary for her to accept the FUL/FoH.
- Ph 2: Nevertheless, the concept of a CI is a delusion if the idea that Agnes has FW is incompatible with the synthetic a priori proposition that every event has a cause. However, no incompatibility exists, and because the dialectical necessity of FW (in being the *ratio essendi* for the CI) gives content to an idea of freedom that even speculative reason must presuppose, the CI is not a mere idea of pure reason but has objective reality for practical purposes.

To the contrary, “retreatists” contend:

- R1 In *GW* Kant holds that FW is the *ratio cognoscendi* of the moral law. But in *C2* he claims that the moral law is the *ratio cognoscendi* of FW, with FW being the *ratio essendi* of the moral law.
- R2 Consequently, he abandons his *GW* claim that the moral law can be given a morally neutral foundation. It is only possible to show that those who accept that there is a CI must hold the CI to be the FUL/FoH. But, because it is generally accepted that there is a CI, the question of its existence does not arise in ordinary practical human discourse. To say that the moral law is given as the fact of reason is to say that the question of the existence of a CI does not arise in everyday practical dealings.

Proving my construction is beyond the scope of this chapter:<sup>16</sup> although I will offer reasons for it, the point of doing so is to show how Kant might be construed as consistently employing the DNM, which will assist me to further elucidate the DNM.

What then are my reasons for my construction? For a start, R1 and R2 contradict Kant’s statement that *C2* presupposes *GW* insofar as *GW* “provides and justifies a determinate formula” of the moral law (*C2* 5:8) in echo of *GW* being “nothing more than the search for and establishment of the supreme principle of morality” (*GW* 4:392). This places the burden of proof squarely on retreatists, requiring them to provide evidence for their view sufficient to convict Kant of amnesia, self-incomprehension, or disingenuousness, while non-retreatists need only show that it is not wholly implausible to attribute their view to him.

Regarding R1, there are at least two reasons to think that Kant always held FW to be the *ratio essendi* of the moral law.

First, he says that, because a CI must be an a priori proposition (*GW* 4:419-420), the task of *GW* is not to “establish” it but “merely to explain it” (*GW* 4:420), and concludes that FW is the only presupposition under which the moral law can apply (*GW* 4:461), which is to conclude that it is the *ratio essendi* of the moral law.

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<sup>15</sup> Due to this reciprocity, nothing hinges on the fact that, in *GW*, Kant reasons from the concept of pure reason to FW to the moral law, whereas in *C2* he reasons from the concept of pure reason to the moral law to FW. Compare Kleingeld (2010, p. 70).

<sup>16</sup> I intend to do so in a future paper.

Second, the *deduction* in *GW* is “of the concept of freedom from pure practical reason” (*GW* 4:448), which echoes “Pure reason is practical of itself alone” and gives agents the moral law (*C2* 5:31). The *GW* statement explains why, having apparently claimed that the moral law is dialectically necessary for Agnes because it is dialectically necessary for her to hold that she has *FW*, Kant thinks that there might be a circle in his justification of the moral law (*GW* 449–450). It also explains why he thinks that the circle is not genuine. The dialectical necessity of the concept of *FW* for Agnes is established by the dialectical necessity of the *concept* of pure practical reason (inherent in her understanding that the question of the possibility of a *CI* is necessarily raised for her by her possession of reason and understanding), from which it follows that Agnes must accept that there is a *CI*. There is no circle because showing the dialectical necessity of the concept of a *CI* does not require the existence of a *CI* to be assumed.

Regarding *R2*:

- (i) To hold that the moral law is the *ratio cognoscendi* of *FW* (*C2* 5:4) does not preclude the moral law’s justification being its dialectical necessity. Note then that Kant does not treat “moral consciousness”, the “fact of reason” (*C2* 5:31), as a given. It is rendered possible by a process of abstraction and mental unification (*C2* 5:30) that can be linked to the processes cited in *GW* 4:452, 457 and, see below, *C3* 5:293–295.
- (ii) Taking the “common human understanding” to be what ordinary persons take for granted does not square with Kant’s contempt for treating widespread acceptance as the yardstick for philosophical claims (*GW* 4:409–410), nor with his explicit repudiation of the fact of reason being an empirical fact (*C2* 5:31), nor with his insistence that “the moral law is given ... as a fact of pure reason of which we are a priori conscious and which is apodictically certain” and “stands of itself altogether a priori and independently of empirical principles” (*C2* 5:47).

Instead, I think Kant’s references to “the common human understanding” are to the “*sensus communis*”, an a priori faculty of judging “that in its reflection takes account (a priori) of everyone else’s way of representing in thought” (*C3* 5:293), which has three maxims—yielded by exercising the cognitive powers that are “the least that can be expected from anyone who lays claim to the name of a human being” (*C3* 5:293) (those minimal capacities necessary to possess awareness of one’s existence), which comprise “understanding”, “power of judgment”, and “reason” (*C3* 5:197–198). These maxims, which appear as early as Kant’s *Logic* (9:57) are:

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To think for oneself; 2. To think in the position of everyone else; 3. Always to think in accord with oneself. (*C3* 5:294) ... [T]he first of these maxims is the maxim of the understanding, the second that of the power of judgment, the third that of reason ... [which can be achieved only] through the combination of the first two [maxims]. (*C3* 5:295)

I suggest that, applied to practical reason, the maxim of understanding directs Agnes to comply with any maxims she must adopt in order to think of herself as the particular agent she is (with any maxims that are dialectically necessary *for her*) (which, applied to *GW* 4:437–438, requires her to consider humanity in her person to be an end in itself). However, the power of reflective judgment requires Agnes to recognise that she cannot be the particular agent she is without being an agent (*C3*

20:211).<sup>17</sup> So, not only is *Brian* required to comply with any maxims that are dialectically necessary *for him* (thus, to consider his humanity to be an end in itself), but *Agnes* must also comply with any maxims that are dialectically necessary *for Brian* (hence *Agnes* must consider that *Brian's* humanity is also an end in itself). The power of reflective judgment generates the maxim of judgment, which requires *Agnes* to set herself apart from the subjective private conditions of her thinking (involved in exercising her power of understanding) by reflecting from a universal standpoint, which she can only do by adopting the standpoint of others (*C3* 5:295). Reason (requiring her cognitive faculties to operate coherently) then *permits* *Agnes* to adopt a maxim for herself only if this is consistent with maxims that are dialectically necessary for *any agent* (entailing that *Agnes* ought to comply with the maxim that every agent's humanity is an end in itself).

So interpreted, the maxim of reason amounts to the FUL/FoH justified as dialectically necessary for *Agnes*.

- (iii) Kant does say that “the objective reality of the moral law cannot be proved by any deduction”; but this is any deduction “by any efforts of theoretical reason” (*C2* 5:47). Also, while he does offer an argument for the moral law “fully sufficient to take the place of any a priori justification” (*C2* 5:48), if he is not to be contradicting himself, we must, again, read this as “any a priori justification *from the possibility of theoretical knowledge*”, because it is that the moral law “is itself laid down as a principle of the *deduction* [my emphasis] of freedom as a causality of pure reason” that gives a positive determination to the idea of freedom that speculative reason needs to presuppose for itself (*C2* 5:48), which echoes his assertion that the presupposition of FW is not only compatible with “the principle of natural necessity”, but “necessary in idea” for a being conscious of his causality through reason (*GW* 4:461).
- (iv) Kant says (consistently with the DNM) that understanding the idea of a CI commits agents to accept that there is a CI when he says that the apodictic nature of the moral law is contained in its problematic nature (*C2* 5:31), and when he draws an analogy between his argument for the moral law and the ontological argument for the existence of God (*C2* 5:105).
- (v) The retreatist idea of the fact of reason does not fit Kant's “three-term” depiction of a synthetic a priori principle in general in *C3* 5:197, which corresponds to that given in *GW*.

My construal implies that, in *GW*, phase 1 of Kant's argument is already completed before *GW III*, which carries out phase 2. Note that Kant only refers to a “deduction” in connection with phase 2, in both *GW* and *C2*. So, we might say that phase 2 is the deduction part of his transcendental argument and phase 1 the elicitation part. The latter part involves not only specifying the CI on the assumption of it (which is analytic), but the claim that the CI is dialectically necessary as well. In line with this, I consider that when Kant says that “*rational nature exists as an end in itself*” is the ground of the CI (*GW* 4:428–429), he claims that to act rationally is an end in itself on the criterion of the DNM's CRA, and he is actually saying that pure reason (on the basis of the CDNM) produces the moral law, that the moral law is given as the fact of reason.

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<sup>17</sup> As against, the “determining” power of judgment, which requires her to recognise that *she* can only be an agent if she is the particular agent that she is.



The central differences between Kant and Gewirth derive (see Beyleveld 2016a) from Gewirth's claim that  $\{\text{PHI}\}_{(A)}$ , which implies that the moral law is grounded in dubiety about both FW and determinism, versus Kant's claim that the moral law and FW are reciprocal ideas. Consequently, Gewirthians (versus Kant) eschew the existence of perfect duties to self under the CI, and regard the essence of being an agent, not as possessing FW, but in being subject to existential anxiety (hope-fear) regarding all metaphysical matters. The Gewirthian argument does not require a phase 2 because the place of  $\{\text{PHI}\}_{(A)}$  in it prevents the issue of the dialectic of reason that prompts Kant's phase 2 from arising.

## **The DNM and Enoch's Critique of "Constitutivism"**

### ***Enoch's Critique***

David Enoch (2006) attacks "constitutivism", which holds that

- (a) "normative standards relevant for actions ... fall out of an understanding of what is constitutive of action" (Enoch 2006, p. 170); or
- (b) normativity is grounded "in what is constitutive of action" (Enoch 2006, p. 170)]; or
- (c) there are specific aims, desires or motives that are constitutive of agency (Enoch 2006, p. 173, p. 175); or
- (d) the dialectical necessity of a principle renders its "ought" categorically binding on agents (Enoch 2006, p. 189 n. 42).

Enoch treats (a)–(d) as equivalent, implying that constitutivists hold the thesis (CT): "Supposing that  $\{\text{AoX}\}_{(A)}$ , Agnes is an agent only if, per (c), she complies with AoX and, per (b), considers that she ought to, and this is why  $\{\text{AoX}\}_{(A)}$  renders AoX categorically binding on her".

He attributes the following objectives to constitutivists:

addressing the sceptic, accommodating externalist<sup>18</sup> intuitions consistently with internalism,<sup>19</sup> and coming up with a naturalist theory that is immune to the ... open question argument.<sup>20</sup> (Enoch 2006, p. 177)

Suppose  $\{\text{AoX}\}_{(A)}$ .<sup>21</sup> According to Enoch, CT is untenable because Agnes might not care whether she is an agent rather than a shmagent (someone unlike an agent only in not having AoX-compliant purposes/not accepting AoX). So, to show that AoX is categorically binding on Agnes, she must be given a reason (independent of the DNM) why she ought to be an agent rather than a shmagent/why she ought to care whether or not she understands what it is for her to be an agent (Enoch 2006, p. 179). Consequently, constitutivism cannot cope with the anti-naturalist challenge (Enoch 2006, p. 193).

<sup>18</sup> "[E]xternalists insist that one's normative reasons do not depend on one's desires, that such dependence is already objectionable unless the desires have something normative going for them" (Enoch 2006, p. 193).

<sup>19</sup> "Internalism" involves the proposition "that it is necessary for one's having a [justificatory] reason to act in a certain way that one be motivated—perhaps under suitable conditions—to act in that way" (Enoch 2006, p. 173). I call this thesis (which derives from David Hume) "narrow internalism".

<sup>20</sup> This alleges that "normative judgments cannot be reduced to descriptive ones because any such reduction will lose the very normativity it was supposed to capture" (Enoch 2006, p. 174).

<sup>21</sup> Enoch is not concerned with whether or not  $\{\text{AoX}\}_{(A)}$  is true, but only with what the significance of its truth would be.

Enoch's objection is akin to the claim made by Millard Shumaker (1979) that  $\{PGC\}_{(A)}$  does not give Agnes a categorical reason to comply with the PGC unless the "pain of contradiction" incurred by non-compliance will necessarily deter her from acting contrary to the PGC. Shumaker contends that Agnes' dialectically commitments cannot do the work the DNM assigns to them because they do not necessarily give her narrow internalist reasons to act. Since Enoch links the DNM to narrow internalism, he should agree that Shumaker's point is well taken, as this explains his claim that CT implies the false proposition that making Agnes understand what it is for her to be an agent will make her comply with AoX (Enoch 2006, p. 171).<sup>22</sup> But Enoch's intention is to show that the required independent reason must be a robust realist (externalist) one.

Anyway, CT is ridiculous because it entails that it is impossible for Agnes to act irrationally,<sup>23</sup> which runs counter to the thesis that "'ought' implies both 'able to do' and 'able to not do'". But, happily, Enoch's critique is misdirected at the DNM, which does not implicate CT, and eschews narrow internalism without being committed to robust realism.

### ***Refuting Enoch's Critique***

None of Enoch's characterisations of "constitutivism" are equivalent to each other; but I am only concerned to show that the DNM does not involve CT.

Per the DNM, Agnes' *required acceptance* of AoX falls out of her *understanding* what *constitutes understanding her agency*, not as per Enoch's characterisation (a), that AoX falls out of her *understanding* what *constitutes action/agency*. This is not a distinction without a difference. First,  $\{AoX\}_{(A)}$  does not ground AoX itself, but "Agnes ought to accept AoX". Secondly, that Agnes ought to accept AoX, is not revealed by appreciating what is contained in the concept of action/agency, but by Agnes appreciating what is required for her to understand what it is for her to be an agent.  $\{AoX\}_{(A)}$  does not imply that AoX is a necessary truth (analytic) nor that AoX or its acceptance is contained in the concept of being an agent. What it shows to be analytically contained in the concept of being an agent is that Agnes only fully possesses agential self-understanding if she accepts AoX, not that she is an agent only if she accepts AoX. This contrast between analyticity and dialectical necessity accords with Kant's depiction of a synthetic a priori practical principle, in which agential self-understanding is the third term that links the idea of Agnes as the particular agent she is to the CI, as against an analytic principle that links the idea of Agnes as the particular agent she is directly to the CI.

Not grasping this distinction leads Enoch to attack a strawman. Worse, his attack is unintelligible if directed at the genuine DNM. Given  $\{AoX\}_{(A)}$ , his contention that Agnes may evade acceptance of AoX by claiming to be a shmagent *rather than* an agent is only intelligible on the premise that (as the result of the DNM) Agnes is an agent only if she accepts AoX/has AoX-compliant purposes, and a shmagent if she does not accept AoX/does not have AoX-compliant purposes. But, per the DNM, agents are those able and willing to pursue purposes voluntarily, *regardless of what those purposes are or might be*. Establishing  $\{AoX\}_{(A)}$  does not miraculously alter this definition. It reveals that agents, as beings willing

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<sup>22</sup> Enoch links this criticism to David Lewis (2000, p. 60), who views "constitutivism" as implying that "philosophy can replace the hangman". Cf. Robert Nozick's lurid claim that Gewirth displays commitment to "philosophy as a coercive activity" guided by the objective of producing "arguments so powerful they set up reverberations in the brain: if the person refuses to accept the conclusion, he dies" (Nozick 1981, p. 4), and Jeffrey Reiman, who says that an agent's dialectically necessary normative judgments are "a kind of compulsion that grabs hold of the reasoning faculties of a prospective agent" (Reiman 1990, p. 62).

<sup>23</sup> Not merely, as Enoch (2006, p. 178 n. 22) suggests, difficult to see how she can act irrationally.

and able to pursue purposes voluntarily, *ought* to accept (= it is dialectically necessary for them to accept) only AoX-compliant purposes.

So, given  $\{AoX\}_{(A)}$ , it is incoherent to require a DNM-independent reason to be given to Agnes why she ought to be an agent *rather than* a shmagent before AoX may be held to be categorically binding on her. This is because Agnes cannot be a shmagent (who pursues purposes voluntarily that are not AoX-compliant) without being an agent (who pursues purposes voluntarily). By rejecting AoX, Agnes not only implies that she is not an agent, but also that she is not a *shmagent*. And, if she implies that *she is not a shmagent* by rejecting AoX, she cannot coherently claim that she may reject AoX because *she is a shmagent*. For this reason, given  $\{AoX\}_{(A)}$ , the question why Agnes ought to be an agent rather than a shmagent/ought to care whether or not she understands what it is for her to be an agent cannot arise coherently for her, whether the demand for a reason is a narrow internalist or a robust realist one, and this means that a categorical imperative just is a dialectically necessary maxim.

### ***The DNM and Internalism***

The DNM works with a broadly internalist view of reasons for action, in which a reason for Agnes to act must speak to *Agnes'* reasoning. This is why it is conducted from Agnes' internal viewpoint as an agent.

But proponents of the DNM are not narrow internalists, because they do not offer agential self-understanding as a *goal of action* that agents necessarily have, but (in line with Kant's maxims of the *sensus communis*) as a condition for Agnes to intelligibly attribute agent-individuating desires and choices to herself as reasons for her to act. They claim that Agnes can only *think of herself* as being subject to an hypothetical imperative (the only kind of imperative that narrow internalists recognise), on the basis of understanding what it is for her to be an agent, on which basis she ought to recognise that she ought to structure her practical thinking in accord with her dialectically necessary commitments.

I anticipate that some will object that this is not how Gewirth argues for the PGC, because a widely accepted view is that he holds that Agnes must consider that she has the GR because she needs the GCAs (irrespective of her purposes) in order to act, i.e., because her GCAs are categorical instrumental needs of her agency (e.g., Bond 1980, pp. 50–51; Williams 1985, Chapter 4; and, surprisingly, Korsgaard 1996, pp. 133–34); on which basis the argument fails because Agnes does not have an instrumental need for Brian to have the GCAs regardless of *her* purposes.

But this is not how Gewirth argues. His argument does not proceed from the narrow internalist “ought” in AoA<sup>A</sup> (an hypothetical imperative, requiring Agnes to defend her GCAs only if she is unwilling to accept generic damage to her ability to act) but from  $\{AoA^A\}_{(A)}$ , where the operative “ought” is that Agnes unconditionally ought to conform her practical reasoning to AoA<sup>A</sup> because it is dialectically necessary for her to accept AoA<sup>A</sup>, this “because” not being a reason in narrow internalist terms. As should be clear from my presentation of the argument, the hypothetical “ought” AoA<sup>A</sup> plays no role in justifying the claim that dialectically necessary commitments are necessarily *collectively* universal. The fact *that it is the PHI* that is dialectically necessary for Agnes merely determines that her dialectically necessary commitments must be structured according to the will conception of rights, and her categorical instrumental need for the GCAs *then* requires these rights to be to the GCAs. It is the fact that Agnes's commitment to the PHI *is dialectically necessary* that does the work.

### ***The DNM and Naturalism***

When Gewirth (e.g., 1978, p. 102) says that his argument for the PGC derives “ought” from “is”, he does not claim to derive the PGC from the fact of Agnes’ agency, but that Agnes ought to accept the PGC from *the fact* that  $\{PGC\}_A$  (Gewirth 1978, p. 158–159). Indeed, he claims that this fact constitutes Agnes being categorically bound to accept the PGC. And, as I have interpreted Kant, when he says that the moral law is given to agents as the fact of reason (or the sole fact of pure reason), the fact referred to is nothing other than that the CI’s categorical binding nature is constituted by the fact that  $\{CI\}_A$ .

Of course, if dialectically necessary commitments are necessarily collectively universal, then it is dialectically necessary for Agnes to hold that being an agent is the *ratio essendi* of the moral law/CI/PGC, i.e., that it is dialectically necessary for her to hold that it is because they are agents that agents are ends in themselves (whether in Kant’s or Gewirth’s interpretation of this), which is to say that it is *dialectically necessary* for Agnes to accept the naturalist thesis that “ought” can be derived from “is”. But this does not make “Agnes is an end in itself because she is an agent” a truth about the nature of agency, for this statement is justified as a requirement of Agnes’ agential self-understanding, not as a freestanding statement about the nature of agency (or her agency). If you like, Agnes must treat the statement “The fact that Z is an agent makes Z an end in itself” as a necessary truth only for the purpose of agential self-understanding. So, because the acceptance of normativity is constituted in agential self-understanding, it is a statement that is normatively required, not a normatively-neutral one. In this way, the naturalism the DNM supports is immune to the open-question argument.

### ***The DNM and Foundationalism***

Showing that, e.g.,  $\{M\}_{(A\&B)}$  is intended to provide a foundation for all practical, not only moral, deliberation by rendering rationally *impermissible* all action not compliant with M by rendering scepticism about the categorically binding nature of M’s “ought” incoherent.

However, Enoch considers that showing that  $\{M\}_{(A\&B)}$  is intended to “defeat the sceptic” (Enoch 2006, p. 182–185) by rendering scepticism about M’s “ought” logically *impossible*, which intention he claims is carried out on an adversarial model that requires the sceptic to operate on the constitutivist’s terms not those of the sceptic.

However, to render scepticism rationally indefensible is distinct from rendering it logically impossible, because to deny that one is an agent is not to cease to be an agent.

I surmise that Enoch’s characterisation of the anti-sceptical objectives of the DNM derives from his misattribution of narrow internalism to its proponents and/or to his failure to recognise the difference between analytic a priori and synthetic a priori (dialectically necessary) judgments.

I also do not see how Enoch’s adversarial model applies to the DNM. This is because, *from Agnes’ dialectically necessary perspective* as an agent, the question why *Brian* ought to accept *her* normative claims does not arise. The only proper question is why *Agnes* ought to accept *any* normative claims. In the DNM, Agnes is both the protagonist (qua being *an* agent) and the sceptic (qua being *the particular* agent that she is) about normative claims, because of the biconditional relationship that exists between her view of herself as *an* agent and her view of herself as the particular agent that she is that operates within the standpoint of agential self-understanding.

### ***The DNM and Coherentism***

Foundationalism is often contrasted with “coherentism”. Foundationalists try to derive conclusions logically/conceptually from premises that cannot be denied rationally or are alleged to be self-evidently true, whereas coherentists (who appeal to considerations like reflective equilibrium) merely aim to defend conclusions as being supported by premises that are widely accepted/deeply entrenched: the idea being to find principles that are supported by a wide range of deep commitments, with better accounts being those that are supported by a wider range of deeper commitments.

However, the contrast between the DNM and “coherentism” is that the former operates only with dialectically necessary commitments, whereas the latter permits dialectically contingent inputs. Thus, the contrast between the DNM and “coherentism” is better portrayed as that between foundationalist-coherentism and non-foundationalist coherentism, or as that between coherentism that is not narrowly internalist and narrowly internalist coherentism.

### ***The DNM and Realism***

Per Enoch, the DNM is externalist because its broad internalism maintains that normative requirements, as strict requirements of agential self-understanding, do not rest on anything contingently connected to Agnes’ agency. But the DNM does not support “narrow externalism” (“robust realism”), the view that “there are non-natural normative truths that have an ontological status independent of agency” (Enoch 2006, p. 194–196) or the mere requirements of agential self-understanding (Enoch 2011, p. 229) (which may be considered to be foundational non-coherentism).

### **Conclusion**

I have offered the DNM as an interpretation of what Kant considers to be a transcendental argument for a practical principle, and argued that if a practical precept can be shown to be dialectically necessary for agents then it is categorically binding on them. I have shown that David Enoch’s critique of constitutivism does not apply to the DNM because he (a) confuses the thesis that normativity is grounded in what constitutes agential self-understanding with the “constitutivist” thesis that it is grounded in understanding what constitutes agency; (b) fails to distinguish dialectically necessary requirements from analytic ones (thereby presupposing that there is no distinction between denying being an agent and not being an agent); and (c) does not distinguish narrow from broad internalism, so falsely associates the DNM with narrow internalism because it is not narrowly externalist.

Objections against the DNM come from two main camps: narrow internalism and narrow externalism. Both raise the question, “Why should Agnes care whether or not she misunderstands what it is for her to be an agent?” But if Agnes has dialectically necessary commitments, this question does not arise coherently for her, because then for her to misunderstand what it is for her to be an agent is for her to imply that she is not an agent, on the basis of which she cannot coherently ask for *any* reason for her to act.

In a later paper, Enoch says that he is willing to consider the viability of the thesis that we ought to care about self-understanding because “*that’s just what it is to have a reason*” (Enoch 2011, p. 229). This is ironic, because this is just what the thesis of the DNM is. Enoch has not shown, as he intends, that it is misguided to try to establish a CI on the basis of its dialectical necessity.

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